

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

804I0743

SENATE BILL NO. 218

Introduced by: Senator Nachtigal and Representative Juhnke

1 FOR AN ACT ENTITLED, An Act to require the use of nontoxic shot for hunting along
2 highways and public rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-9-1.1 be amended to read as follows:

5 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
6 unimproved section lines not commonly used as public rights-of-way, and highways within parks
7 or recreation areas or within or adjoining public shooting areas or game refuges posted for
8 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
9 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public
10 rights-of-way within this state that meet the requirements of § 41-9-1.3. No person, except the
11 adjoining landowner or any person receiving written permission from the adjoining landowner,
12 may use such highways or rights-of-way for the purposes of hunting defined in this title within
13 six hundred sixty feet of an occupied dwelling, a church, schoolhouse, or livestock. The use of
14 nontoxic shot is required for any hunting on such highways or rights-of-way. No person, except
15 the adjoining landowner or any person receiving written permission from the adjoining
16 landowner, may use such highways or rights-of-way for the purpose of trapping within six



1 hundred sixty feet of an occupied dwelling, church, or schoolhouse. A violation of this section
2 is a Class 2 misdemeanor. If any person is convicted of knowingly discharging a firearm within
3 six hundred sixty feet of any occupied dwelling, church, or schoolhouse for which such distance
4 has been clearly and accurately marked and posted, the court shall, in addition to any other
5 penalty, revoke the person's hunting privileges for a period of one year from the date of
6 conviction.